

APR 21 2008



08cv573

FILED

APR 21 2008 *alm*

STATE OF ILLINOIS)

SS :

COUNTY OF LAWRENCE)

SWORN AFFIDAVIT

MICHAEL W. DOMING
CLERK, U.S. DISTRICT COURT

I, Enrico LEVY #A93134, After Being Duly Sworn Upon My Oath Depose And States That the Following Matters Are Both true And Correct In Substance And In Facts :

Today, 3-25-2008, HERE IN PRISON SEGREGATION, I AM AT A LOSS CONCERNING MY PRESENT COURT(S) LITIGATIONS AND COURTS PETITIONS, IN FACT, I MAY HAVE CONFUSED THIS COURT IN THE PROCESS.

THE SITUATION IS, THAT I HAVE BEEN DEPRIVED AND DENIED ALL EXCESS TO MY LEGAL PROPERTY, WHEREBY, THE CAUSE OF MY POSSIBLE CONFUSION IN LITIGATION INTENT AND OTHER.

I HAVE FILED GRIEVANCES TO THE WARDEN AND ALL SECURITY STAFF CONCERNING THIS MATTER, TO NO AVAIL. I HAVE PRESENTED MY INCOMING COURT DOCUMENTS AS PROOF OF TIME LIMITS TO RESPOND, UNFORTUNATELY MY SITUATION FALLS ON DEATH EARS.

RESPECTFULLY, I AM IN NEED OF THIS COURT ASSISTANCE. PLEASE PROVIDE ME WITH A COMPLETE COPY OF MY FIRST-ORIGINAL COMPLAINT PERTAINING TO THIS CASE

CASE No.

I PRAY THIS HONORABLE COURT GRANT REQUEST.

So Stated :

Enrico Levy

SUBSCRIBED AND SWORN TO BEFORE

ME THIS DAY OF 20

Notary :

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Suzanne B. Conlon	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 573	DATE	2/15/2008
CASE TITLE	Enrico Levy # A 93734 v. State of Illinois Dept. of Corrections		

DOCKET ENTRY TEXT:

The Plaintiff's motion for leave to file in forma pauperis is denied [3] pursuant to 28 U.S.C. § 1915(g) and the complaint is summarily dismissed for failure of the plaintiff to advise the court that he had "struck out." The case is terminated. Any pending motions are denied as moot. Having brought this action, the plaintiff nevertheless remains obligated to pay the full \$350 filing fee. Before pursuing any future litigation, the plaintiff must pay any outstanding fees. The clerk shall send a copy of this order to the trust officer at Lawrence Correctional Center.

Suzanne B. Conlon
Docketing to mail notices.

■ [For further details see text below.]

STATEMENT

The Plaintiff, Enrico Levy, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 and seeks leave to proceed *in forma pauperis*. The motion must be denied because the plaintiff has accumulated at least three "strikes."

The Prison Litigation Reform Act of 1995 (PLRA), enacted on April 26, 1996, provides that a prisoner may not bring a civil action or appeal a civil judgment under 28 U.S.C. § 1915 "if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). At least three of the plaintiff's previous actions have been dismissed in this district on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted. *See, e.g., Levy v. State of Illinois*, 96 C 4939, dismissed 1/21/97; *Levy v. State of Il.*, 96 C 4705, dismissed 3/10/97, and *Levy v. State of Il.*, 96 C 7799, dismissed on 4/22/97. In fact, the court previously advised the plaintiff that he had "struck out." *See Order in 06 C 4449*, on 8/28/06. Notwithstanding his knowledge that he is barred from doing so, the plaintiff has nevertheless sought leave to proceed *in forma pauperis*, and without disclosing his 1915(g) status to the court. Consequently, the plaintiff's effective "fraud" on the court must "lead to immediate termination of the suit." *Sloan v. Lesza*, 181 F.3d 857 (7th Cir. 1999). The complaint is accordingly dismissed with prejudice, as nothing in the complaint supports an allegation of imminent danger of serious physical injury.

However, having brought this action, the plaintiff remains obligated to pay the full \$350 filing fee. *See* 28 U.S.C. § 1915(b)(1). Before pursuing any future litigation, the plaintiff must pay any outstanding fees.

Suzanne B. Conlon

ste

United States District Court
Northern District of Illinois
Eastern Division

ENRICO LEVY # A93734

JUDGMENT IN A CIVIL CASE

v.

Case Number: 08 C 573

STATE OF ILLINOIS DEPT. OF
CORRECTIONS

- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☒ Decision by Court. This action came to hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that this case is dismissed with prejudice.

Michael W. Dobbins, Clerk of Court

Date: 2/15/2008

/s/ Willia Harmon, Deputy Clerk